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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

YU, KYONG OK,
YU, UN NAM, wife and husband,
Plaintiffs,

v.

FIVE BOARS, LLC, a Washington limited
liability company,
KIM, EUN KYU,
KIM, CHU HWANG, husband and wife,
Defendants

CASE NO:

**COMPLAINT TO COLLECT
UNPAID WAGES; BREACH OF
AGREEMENTS; FRAUD;
MISREPRESENTATION**

COME NOW, plaintiffs Kyong Ok Yu and Un Nam Yu (collectively "Plaintiffs" or "Yu"), by and through their counsel, Karl Y. Park, Esq., hereby state the following causes of action against the defendants, Five Boars, LLC, a Washington limited company, Eun Kyu Kim, and Chu Hwang Kim (collectively "Defendants").

I. JURISDICTION

1.1 This is an action to collect wages under 29 U.S.C. and for damages arising from breach of agreement, fraud, and misrepresentation. The Court has jurisdiction to hear this

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complaint pursuant to 28 U.S.C. §1331, 29 U.S.C. §§206, 207, and 216. The Court also has supplemental jurisdiction to hear other causes in this complaint pursuant to 28 U.S.C. §1367.

II. PARTIES

2.1 Plaintiffs are residents of State of Washington.

2.2 Defendant Five Boars, LLC, is a Washington limited liability company, registered with the State of Washington.

2.3 Defendants Eun Kyu Kim and Chu Hwang Kim are husband and wife, and reside in the State of Washington.

2.4 Defendants Five Boars, LLC, Eun Kyu Kim, and Chu Hwang Kim, owned and operated one Seals Motel, located at 12035 Aurora Avenue, Seattle, WA 98133 ("Seal Motel").

2.5 Defendants Eun Kyu Kim and Chu Hwang Kim are the sole managers and owners of Defendant Five Boars, LLC.

III. FACTS, ALLEGATIONS, AND CLAIMS

The facts, which give rise to Plaintiffs' claim against Defendants, are as follows:

UNPAID WAGES:

3.1 Defendants Five Boars, LLC, Eun Kyu Kim, and Chu Hwang Kim employed Plaintiff Kyung Ok Yu at Seal Motel from 2010 to 2016, as a motel clerk, receptionist, cleaner, and in other capacity which were not managerial.

3.2 Plaintiff Kyung Ok Yu held no ownership interest in Five Boars, LLC, or Seal Motel at all times.

1 3.3 Defendants Five Boars, LLC, Eun Kyu Kim, and Chu Hwang Kim hired and
2 employed Plaintiff Un Nam Yu at Seal Motel from 2013 to 2016, as a motel maintenance
3 personnel and in other capacity which were not managerial.

4 3.4 Plaintiff Un Nam Yu held no ownership interest in Five Boars, LLC, or Seal Motel
5 at all times.

6 3.5 Defendants failed to pay the federal minimum wages and overtime wages to
7 Plaintiffs for the employment period, in violation of 29 U.S.C. §§206 and 207.

8 BREACH OF AGREEMENTS, MISREPRESENTATION, FRAUD:

9 3.6 Defendants, in order to induce Plaintiffs to work long hours with below minimum
10 wages, numerously represented and promised to Plaintiffs that upon sale of Seal Motel to a
11 third party, Defendants would purchase a restaurant for Plaintiffs, priced in excess of \$300,000
12 as additional compensation to Plaintiffs for services rendered.

13 3.7 Such representations by Defendants were material in inducing Plaintiffs to work
14 long, difficult, and hazardous environment at Seal Motel, receiving below the minimum wages.

15 3.8 In or about July 2016, Defendants sold Seal Motel to a third party, but failed to
16 follow up on the promises and the representations.

17 3.9 As such, the representations and promises made by Defendants were false.

18 3.10 Defendants knowingly made such false misrepresentations as they had no
19 intention to keep such representations and promises.

20 3.11 Defendants intentionally made such promises and representations to Plaintiffs to
21 keep them valuable employees for Defendants until such time as Seal Motel was sold.

22 3.12 Plaintiffs did not know of such falsity of representations and promises.
23
24

3.13 Plaintiffs relied on such representations and promises in working at Seal Motel, which were often hazardous and difficult, while receiving below minimum wages.

3.14 As employees and relatives of Defendants Eun Kyu Kim and Chu Hwang Kim, Plaintiffs justifiably relied on such promises and representations.

3.15 Defendants breached the agreements and promises made to Plaintiffs.

3.16 As result of Defendants failure to keep the promises and representations, Plaintiffs suffered financial damages.

IV. REMEDIES REQUESTED

WHEREFORE, Plaintiffs pray for the following relief:

4.1 That the Court finds judgment in favor of Plaintiffs for unpaid wages, overtime wages, together with statutory interest.

4.2 That the Court finds judgment in favor of Plaintiffs for damages suffered as result of breach of agreements, misrepresentations, and intentional misrepresentations.

4.3 That the Court orders Defendants to pay all associated social security taxes and other taxes for the unpaid wages.

4.4 That the Court award Plaintiff's attorney's fees, costs, and expenses, based on statutes and caselaw, including 29 U.S.C. § 216.

4.5 That the Court finds that Defendants willfully failed to pay the required wages, and that statute of limitations for unpaid wages be extended to three years, pursuant to 28 U.S.C. § 255.

4.6 For any other such relief as the Court may deem appropriate.

DATED: August 12, 2017.

Respectfully Submitted:

Counsel for Plaintiffs Kyong Ok Yu and Un Nam Yu



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VERIFICATION

I have read the foregoing complaint and verified that the facts contained thereto are true and accurate to best of my knowledge.

Date: 8/14/2017

15/ - SEE ATTACHED
Kyong Ok Yu


15/ - SEE ATTACHED
Un Nam Yu

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Respectfully Submitted,

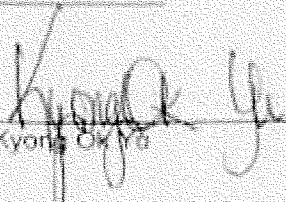
Counsel for Plaintiffs Kyong Ok Yu and Un Nam Yu



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VERIFICATION

I have read the foregoing complaint and verified that the facts contained thereto are true
and accurate to best of my knowledge.

Date: Aug. 14, 2017


Kyong Ok Yu


Un Nam Yu

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